

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

V.

(1) STRYKER BIOTECH, LLC,

(2) MARK PHILIP,

(3) WILLIAM HEPPNER,

(4) DAVID ARD and

(5) JEFFREY WHITAKER,

Defendants.

Criminal No.: 09-CR-10330-GAO

**GOVERNMENT’S ASSENTED-TO MOTION TO DISMISS ALL COUNTS AS TO
DEFENDANTS WILLIAM HEPPNER AND JEFFREY WHITAKER**

Pursuant to Fed. R. Cr. P. 48(a), the United States hereby moves to dismiss with prejudice Counts 1-6 of the Superseding Indictment, Counts 1-6 and 14 of the Indictment, and related forfeiture allegations, as to Defendants William Heppner and Jeffrey Whitaker on the ground that such dismissal is in the interests of justice. Defendants Heppner and Whitaker assent to this motion.

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WHEREFORE, the United States respectfully requests that the Court dismiss with prejudice Counts 1-6 of the Superseding Indictment, Counts 1-6 and 14 of the Indictment, and related forfeiture allegations, as to Defendants Heppner and Whitaker.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By: /s/ Gregory F. Noonan
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IT IS SO ORDERED.

By: _____
The Hon. George A. O'Toole, Jr.
U.S. District Court Judge

Date: January 18, 2012

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Gregory F. Noonan
Assistant United States Attorney

Date: January 18, 2012